



IAP7 Rec'd PCT INTO 04 MAY 2006 # 4

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/536,714
Applicant : DEBRUYNE, ET AL.
Filed : MAY 27, 2005
Title : COCHLEAR IMPLANT DRUG DELIVERY DEVICE

Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : COCH-0149-US1

RECEIVED

26 MAY 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Legal Staff
International Division

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- Patent Fee Transmittal for FY 2006 (1 page w/dup.)
Credit Card Payment Form (1 page)
Extension of Time Request (5 months)
Response to Notification of Missing Requirements under 35 U.S.C. 371 (2 pages)
Declaration and Power of Attorney (5 pages)
Copy of Notification of Missing Requirements under 35 U.S.C. 371 (2 pages)
Petition under 37 CFR § 1.47(a) At Least One Joint Inventor Available (3 pages)
Exhibit A 2 pages
Exhibit B1-B2 4 pages
Exhibit C 3 pages
Exhibit D1-D16 35 pages
Exhibit E 2 pages
Exhibit F 2 pages

Respectfully submitted,

/Michael G. Verga 39,410/

Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 4, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)**

Sir:

This is in response to the Notification of Missing Requirements dated October 4, 2005, the period for response to which has been extended to May 4, 2006, by paying the necessary extension of time fees set in 37 C.F.R. § 1.17.

Submitted herewith is the executed declaration in compliance with 37 CFR 1.497(a) and (b).

Applicants also submit a Petition Under 37 C.F.R. § 1.47(a) At Least One Joint Inventor Available with Exhibits A – F.

The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 10-0233, COCH-0149-US1.**

Serial Number: 10/536,714

Please direct any inquiries in connection with this application directly to the undersigned.

Respectfully submitted,

/Michael G. Verga 39,410/

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Michael G. Verga  
Registration Number 39,410

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
(703) 591-2664

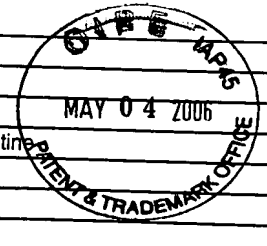
May 4, 2006

# Patent Fee Transmittal for FY 2006

Applicant(s) Claims Small Entity Status 37 C.F.R. 1.27

**TOTAL AMOUNT OF PAYMENT** **\$2,490.00**

Application No. 714  
 Filing Date 27-May-05  
 Named Inventor DEBRUYNE, Kristine  
 Examiner Name To be assigned  
 Art Unit To be assigned  
 Attorney Docket No. COCH-0149-US1



## FEE CALCULATION

### 1. Filing Fees

Application Type	Description	Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Utility	Basic Examination	1011	300	2011	150	\$ -
	Search	1311	200	2311	100	\$ -
	Search	1111	500	2111	250	\$ -
Design	Basic Examination	1012	200	2012	100	\$ -
	Search	1312	130	2312	65	\$ -
	Search	1112	100	2112	50	\$ -
Plant	Basic Examination	1013	200	2013	100	\$ -
	Search	1313	160	2313	80	\$ -
	Search	1113	300	2113	150	\$ -
Reissue	Basic Examination	1014	300	2014	150	\$ -
	Search	1114	600	2114	300	\$ -
	Search	1314	500	2314	250	\$ -
Provisional	Basic	1005	200	2005	100	\$ -
National Stage	Basic Examination	1631	300	2631	150	\$ -
	Search	1633	200	2633	100	\$ -
	Search	1632	500	2632	250	\$ -

### 2. Extra Claim Fee

#### a. Claims as Filed

Total Claims	Independent	Multiple Dependent	Extra Claims		Large Entity			Small Entity			
			Code	(\$)	Code	(\$)	Code	(\$)	Code	(\$)	Paid
0	0	0	1201	50	2201	25	1202	200	2202	100	\$ -
0	0	0	1203	360	2203	180					\$ -

#### b. Claims as Amended

Total Claims	Independent	First Presentation of Multiple Dependent	After Amnt		Highest Paid		Present Extra		Large Entity			Small Entity			
			Code	(\$)	Code	(\$)	Code	(\$)	Code	(\$)	Code	(\$)	Code	(\$)	Paid
0	0	0	1201	50	2201	25	1202	200	2202	100	1203	360	2203	180	\$ -
0	0	0													\$ -

### 3. Extra Page Fee

Total Pages	Extra Pages	Large Entity			Small Entity						
		Code	(\$)	Code	(\$)	Code	(\$)	Paid			
0	0	1081	250	2081	125						\$ -

### Subtotal for Application Fees

1 \$ - + 2 \$ - + 3 \$ - = \$ -

### 4. Additional Fees

Description	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Extension for response first month	1251	120	2251	60	\$ -
Extension for response second month	1252	450	2252	225	\$ -
Extension for response third month	1253	1,020	2253	510	\$ -
Extension for response fourth month	1254	1,590	2254	795	\$ -
Extension for response fifth month	1255	2,160	2255	1,080	\$2,160.00
Notice of Appeal	1401	500	2401	250	\$ -
Filing a Brief in Support of an Appeal	1402	500	2402	250	\$ -
Request for Oral hearing	1403	1,000	2403	500	\$ -
Petitions under 1.17(f)	1462	400	1462	400	\$ -
Petitions under 1.17(g)	1463	200	1463	200	\$ -
Petitions under 1.17(h)	1464	130	1464	130	\$ -
Petition - public use proceeding	1451	1,510	1451	1,510	\$ -
Petition to Revive - Unavoidable	1452	500	2452	250	\$ -
Petition to Revive - Unintentional	1453	1,500	2453	750	\$ -
Utility Issue Fee	1501	1,400	2501	700	\$ -
Design Issue Fee	1502	800	2502	400	\$ -
Plant Issue Fee	1503	1,100	2503	550	\$ -
Reissue Issue Fee	1511	1,400	2511	700	\$ -
Publication Fee	1504	300	1504	300	\$ -
Statutory Disclaimer	1814	130	2814	65	\$ -

### Description (cont.)

Description (cont.)	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Recording each Assignment	8021	40	8021	40	\$ -
Submission of IDS	1806	180	1806	180	\$ -
Request for Cont. Examination (RCE)	1801	790	2801	395	\$ -
Filing Submission After Final	1809	790	2809	395	\$ -
Surcharge - late filing fee or oath	1051	130	2051	65	\$130.00
Surcharge - late provisional fee	1052	50	2052	25	\$ -
Non-English Specification	1053	130	1053	130	\$ -
Processing Fee 37 CFR 1.17(q)	1807	50	1807	50	\$ -
Request for Ex Parte Reexamination	1812	2,520	1812	2,520	\$ -
Request Pub. of SIR prior to action	1804	920	1804	920	\$ -
Request Pub. of SIR after action	1805	1,840	1805	1,840	\$ -
Each Add. Invention Examined	1810	790	2810	395	\$ -
Expedited Examination (Design)	1802	900	1802	900	\$ -
Unintentionally Delayed Priority Claim	1453	1,370	1453	1,370	\$ -
Certificate of Correction	1811	100	1811	100	\$ -
Maintenance Fees 3.5 years	1551	900	2551	450	\$ -
Maintenance Fees 7.5 years	1552	2,300	2552	1,150	\$ -
Maintenance Fees 11.5 years	1553	3,800	2553	1,900	\$ -
Surcharge - Late Payment 6 mos.	1554	130	2554	65	\$ -
Other fee					\$200.00

Additional Fee Subtotal 4 \$ 2,490

### METHOD OF PAYMENT (Check all that apply)

Credit Card (Provide credit card information and authorization on PTO-2038)

Deposit Account No. **10-0233-COCH-0149-US1**

For the above-identified deposit account, the Director is hereby authorized to:

- To charge the above-identified fee.
- To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Submitted by:

Name **Michael G. Verga** Reg. No. **39,410**  
 Firm **Jagtiani + Gutttag**  
 Address **10363-A Democracy Lane, Fairfax VA 22030**  
 Telephone **703.591.2664** Fax **703.591.5907**

**/Michael G. Verga 39,410/**

Signature

May 4, 2006

Date

Revised 01-2006

Include duplicate copy if paying by deposit account

05/09/2006 ATRANI 00000142 10536714

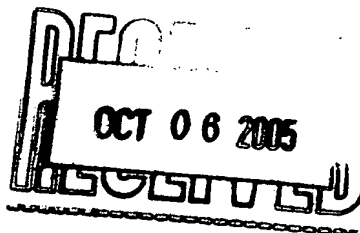
02 FC:1617

130.00 OP


**UNITED STATES PATENT AND TRADEMARK OFFICE**

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/536,714	FIRST NAMED APPLICANT Kristine Debruyne	ATTY. DOCKET NO. COCH-0149-US1
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 22506  
 JAGTIANI + GUTTAG  
 10363-A DEMOCRACY LANE  
 FAIRFAX, VA 22030


INTERNATIONAL APPLICATION NO. PCT/AU03/01584	
LA. FILING DATE 11/28/2003	PRIORITY DATE 11/29/2002

 CONFIRMATION NO. 4670  
 371 FORMALITIES LETTER  
 \*OC000000017167475\*  
 \*OC000000017167475\*

Date Mailed: 10/04/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/27/2005
- Copy of the International Search Report filed on 05/27/2005
- Copy of IPE Report filed on 05/27/2005
- Preliminary Amendments filed on 05/27/2005
- Information Disclosure Statements filed on 05/27/2005
- Request for Immediate Examination filed on 05/27/2005
- U.S. Basic National Fees filed on 05/27/2005
- Priority Documents filed on 05/27/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,714	PCT/AU03/01584	COCH-0149-US1

FORM PCT/DO/EO/905 (371 Formalities Notice)